

PCT FAX TO USPTO  
FEB 28 2006

GlaxoSmithKline

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**Company** USPTO**Fax** 571-273-0459**From** Valerie L. Phillips**Tel** 919-483-8223      **Fax** 919-483-5730**E-mail** [valerie.l.phillips@gsk.com](mailto:valerie.l.phillips@gsk.com)**Date** February 28, 2006      **Pages including cover** 36**Response to Decision on Petition Under 37 CFR  
1.42****Serial No.:** 10/528,613**Date:****Applicant:** Eatherton et al.**Title:** Pyrimidine Derivatives As CB2 Receptor Modulators**Attached:**Transmittal Letter to the United States Designated/Elected Office....  
Petition for Extension of Time Under 37 CFR 1.136(a)

Response to the Decision on Petition Under 37 CFR 1.42

Declarations (6 pages) x 3

Power of Attorney &amp; Correspondence Indication Form

Resolution

Certificate of Transmission

**Certificate of Transmission by Facsimile (37 CFR 1.8)**

I hereby certify that this Response is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 571-273-0459) on February 28, 2006.

  
Valerie L. Phillips

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FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER <b>P33118USW</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/528,613</b>
INTERNATIONAL APPLICATION NO. <b>PCT/EP03/10930</b>	INTERNATIONAL FILING DATE <b>September 25, 2003</b>	PRIORITY DATE CLAIMED <b>September 27, 2002</b>
TITLE OF INVENTION <b>Pyridine Derivatives As CB2 Receptor Modulators</b>		
APPLICANT(S) FOR DO/EO/US <i>GREEN, Richard Howard</i> ; <b>EATHERTON, Andrew; GIBLIN, Gerard, Martin, Paul; JANDU, Karamjit, Singh; MITCHELL, William, Leonard; NAYLOR, Alan; PALOMBI, Giovanni; RAWLINGS, Derek, Anthony; SLINGSBY, Brian, Peter; WHITTINGTON, Andrew, Richard</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> Is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the Inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol> <p>Items 13 to 23 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>17. <input type="checkbox"/> A substitute specification.</li> <li>18. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li>22. <input type="checkbox"/> Express Mail Label No.</li> </ol> <p><input checked="" type="checkbox"/> Request for Extension of Time</p>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
10/528,613	PCT/EP03/10930	P33118USW

## 23. Other items or Information:

The following fees have been submitted:		CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee .....		\$ 300	\$ 0.00
25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article \$0 All other situations. .... \$200		\$ 0.00	
26. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). .... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the \$100 as an International Searching Authority. .... International Search Report prepared by an ISA other than the US and provided to the \$400 previously communicated to the US by the IB. .... All other situations. .... \$500		\$ 50.00	
<b>TOTAL OF 24, 25 and 26 =</b>		\$ 50.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE
- 100 =	0 /50 =	0	x \$250.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =	0	x \$50.00
Independent claims	- 3 =	0	x \$200.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/>		+ \$360.00	\$ 0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$ 130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$ 0.00	
<b>SUBTOTAL =</b>		\$ 130.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ 0.00	
<b>TOTAL NATIONAL FEE =</b>		\$ 130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.26, 3.31). \$40 per property + \$ 0.00			
<b>TOTAL FEES ENCLOSED =</b>		\$ 130.00	
		Amount to be	\$
		Amount to be	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 07-1392 in the amount of \$ \$130.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1392. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:



SIGNATURE

J. Scott Young

NAME

45,582

REGISTRATION NUMBER

28 Feb 2006

DATE

P33118USW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Eatherton et al.  
Serial No.: 10/528,613  
Filing Date:  
Title: Pyridine Derivatives As CB2 Receptor Modulators

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PCT Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Renewed Submission Under 37 CFR 1.42**

Sir:

In response to the Decision on Petition Under 37 CFR 1.42 mailed December 23, 2005, Applicants respectfully submit the enclosed substitute Declaration (3 documents) in compliance with 37 CFR 1.42 and 1.497(a) and (b).

Respectfully submitted,

  
✓ Scott Young  
Attorney for Applicants  
Registration No. 45,582

Date: 28 Feb 2006  
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